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SJC-13174

LUMBER YARD NORTHAMPTON LIMITED PARTNERSHIP vs. KELLI L.
HUDSON.

November 3, 2022.

Summary Process, Appeal. Landlord and Tenant, Eviction.
Practice, Civil, Summary process, Moot case, Failure to
prosecute. Moot Question.

Kelli L. Hudson (tenant) has appealed from a judgment of the county court denying her petition for relief under G. L. c. 211, § 3. In that petition, she sought a stay of her eviction from premises leased to her by Lumber Yard Northampton Limited Partnership (landlord). The landlord moves to dismiss the appeal on two grounds: mootness and lack of prosecution. As to the first ground, the landlord represents that the eviction has taken place. Because it appears that the tenant no longer occupies the subject premises, we agree that her request for a stay of the eviction is moot. The tenant has not responded with any reason why the appeal should proceed despite its mootness. As to the second ground, the tenant's appeal has been pending in this court for longer than one year. Despite the issuance of a notice preceding dismissal pursuant to our standing order and despite the grant thereafter of an enlargement of time until June of this year to file a brief, the tenant has not done so. We agree that the tenant has failed to prosecute her appeal. Accordingly, we dismiss the appeal on the grounds of both mootness and lack of prosecution.

Appeal dismissed.

Amanda Stutman for the respondent.
Kelli L. Hudson, pro se.